



Rep. Maurice A. West II

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10100HB0071ham001

LRB101 02961 KTG 56507 a

1 AMENDMENT TO HOUSE BILL 71

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 71 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by  
5 changing Section 9A-11 as follows:

6 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

7 Sec. 9A-11. Child care.

8 (a) The General Assembly recognizes that families with  
9 children need child care in order to work. Child care is  
10 expensive and families with low incomes, including those who  
11 are transitioning from welfare to work, often struggle to pay  
12 the costs of day care. The General Assembly understands the  
13 importance of helping low-income ~~low-income~~ working families  
14 become and remain self-sufficient. The General Assembly also  
15 believes that it is the responsibility of families to share in  
16 the costs of child care. It is also the preference of the

1 General Assembly that all working poor families should be  
2 treated equally, regardless of their welfare status.

3 (b) To the extent resources permit, the Illinois Department  
4 shall provide child care services to parents or other relatives  
5 as defined by rule who are working or participating in  
6 employment or Department approved education or training  
7 programs. At a minimum, the Illinois Department shall cover the  
8 following categories of families:

9 (1) recipients of TANF under Article IV participating  
10 in work and training activities as specified in the  
11 personal plan for employment and self-sufficiency;

12 (2) families transitioning from TANF to work;

13 (3) families at risk of becoming recipients of TANF;

14 (4) families with special needs as defined by rule;

15 (5) working families with very low incomes as defined  
16 by rule;

17 (6) families that are not recipients of TANF and that  
18 need child care assistance to participate in education and  
19 training activities; and

20 (7) families with children under the age of 5 who have  
21 an open intact family services case with the Department of  
22 Children and Family Services. Any family that receives  
23 child care assistance in accordance with this paragraph  
24 shall remain eligible for child care assistance 6 months  
25 after the child's intact family services case is closed,  
26 regardless of whether the child's parents or other

1 relatives as defined by rule are working or participating  
2 in Department approved employment or education or training  
3 programs. The Department of Human Services, in  
4 consultation with the Department of Children and Family  
5 Services, shall adopt rules to protect the privacy of  
6 families who are the subject of an open intact family  
7 services case when such families enroll in child care  
8 services. Additional rules shall be adopted to offer  
9 children who have an open intact family services case the  
10 opportunity to receive an Early Intervention screening and  
11 other services that their families may be eligible for as  
12 provided by the Department of Human Services.

13 The Department shall specify by rule the conditions of  
14 eligibility, the application process, and the types, amounts,  
15 and duration of services. Eligibility for child care benefits  
16 and the amount of child care provided may vary based on family  
17 size, income, and other factors as specified by rule.

18 A family's eligibility for child care services shall be  
19 redetermined no sooner than 12 months following the initial  
20 determination or most recent redetermination. During the  
21 12-month periods, the family shall remain eligible for child  
22 care services regardless of (i) a change in family income,  
23 unless family income exceeds 85% of State median income, or  
24 (ii) a temporary change in the ongoing status of the parents or  
25 other relatives, as defined by rule, as working or attending a  
26 job training or educational program.

1 In determining income eligibility for child care benefits,  
2 the Department annually, at the beginning of each fiscal year,  
3 shall establish, by rule, one income threshold for each family  
4 size, in relation to percentage of State median income for a  
5 family of that size, that makes families with incomes below the  
6 specified threshold eligible for assistance and families with  
7 incomes above the specified threshold ineligible for  
8 assistance. Through and including fiscal year 2007, the  
9 specified threshold must be no less than 50% of the  
10 then-current State median income for each family size.  
11 Beginning in fiscal year 2008, the specified threshold must be  
12 no less than 185% of the then-current federal poverty level for  
13 each family size. Notwithstanding any other provision of law or  
14 administrative rule to the contrary, beginning in fiscal year  
15 2019, the specified threshold for working families with very  
16 low incomes as defined by rule must be no less than 185% of the  
17 then-current federal poverty level for each family size.

18 The Department shall provide child care services to all  
19 children who are eligible for assistance and are:

20 (A) under age 13; or

21 (B) under age 19 and (i) are under court supervision or  
22 (ii) have physical or mental incapacities as documented by  
23 a statement from a local health provider or other health  
24 professional.

25 In determining eligibility for assistance, the Department  
26 shall not give preference to any category of recipients or give

1 preference to individuals based on their receipt of benefits  
2 under this Code.

3 Nothing in this Section shall be construed as conferring  
4 entitlement status to eligible families.

5 ~~The Illinois Department is authorized to lower income~~  
6 ~~eligibility ceilings, raise parent co payments, create waiting~~  
7 ~~lists, or take such other actions during a fiscal year as are~~  
8 ~~necessary to ensure that child care benefits paid under this~~  
9 ~~Article do not exceed the amounts appropriated for those child~~  
10 ~~care benefits. These changes may be accomplished by emergency~~  
11 ~~rule under Section 5-45 of the Illinois Administrative~~  
12 ~~Procedure Act, except that the limitation on the number of~~  
13 ~~emergency rules that may be adopted in a 24-month period shall~~  
14 ~~not apply.~~

15 The Illinois Department may contract with other State  
16 agencies or child care organizations for the administration of  
17 child care services.

18 (c) Payment shall be made for child care that otherwise  
19 meets the requirements of this Section and applicable standards  
20 of State and local law and regulation, including any  
21 requirements the Illinois Department promulgates by rule in  
22 addition to the licensure requirements promulgated by the  
23 Department of Children and Family Services and Fire Prevention  
24 and Safety requirements promulgated by the Office of the State  
25 Fire Marshal, and is provided in any of the following:

26 (1) a child care center which is licensed or exempt

1 from licensure pursuant to Section 2.09 of the Child Care  
2 Act of 1969;

3 (2) a licensed child care home or home exempt from  
4 licensing;

5 (3) a licensed group child care home;

6 (4) other types of child care, including child care  
7 provided by relatives or persons living in the same home as  
8 the child, as determined by the Illinois Department by  
9 rule.

10 (c-5) Solely for the purposes of coverage under the  
11 Illinois Public Labor Relations Act, child and day care home  
12 providers, including licensed and license exempt,  
13 participating in the Department's child care assistance  
14 program shall be considered to be public employees and the  
15 State of Illinois shall be considered to be their employer as  
16 of January 1, 2006 (the effective date of Public Act 94-320)  
17 ~~this amendatory Act of the 94th General Assembly~~, but not  
18 before. The State shall engage in collective bargaining with an  
19 exclusive representative of child and day care home providers  
20 participating in the child care assistance program concerning  
21 their terms and conditions of employment that are within the  
22 State's control. Nothing in this subsection shall be understood  
23 to limit the right of families receiving services defined in  
24 this Section to select child and day care home providers or  
25 supervise them within the limits of this Section. The State  
26 shall not be considered to be the employer of child and day

1 care home providers for any purposes not specifically provided  
2 in Public Act 94-320 ~~this amendatory Act of the 94th General~~  
3 ~~Assembly~~, including, but not limited to, purposes of vicarious  
4 liability in tort and purposes of statutory retirement or  
5 health insurance benefits. Child and day care home providers  
6 shall not be covered by the State Employees Group Insurance Act  
7 of 1971.

8 In according child and day care home providers and their  
9 selected representative rights under the Illinois Public Labor  
10 Relations Act, the State intends that the State action  
11 exemption to application of federal and State antitrust laws be  
12 fully available to the extent that their activities are  
13 authorized by Public Act 94-320 ~~this amendatory Act of the 94th~~  
14 ~~General Assembly~~.

15 (d) The Illinois Department shall establish, by rule, a  
16 co-payment scale that provides for cost sharing by families  
17 that receive child care services, including parents whose only  
18 income is from assistance under this Code. The co-payment shall  
19 be based on family income and family size and may be based on  
20 other factors as appropriate. Co-payments may be waived for  
21 families whose incomes are at or below the federal poverty  
22 level.

23 (d-5) The Illinois Department, in consultation with its  
24 Child Care and Development Advisory Council, shall develop a  
25 plan to revise the child care assistance program's co-payment  
26 scale. The plan shall be completed no later than February 1,

1 2008, and shall include:

2 (1) findings as to the percentage of income that the  
3 average American family spends on child care and the  
4 relative amounts that low-income families and the average  
5 American family spend on other necessities of life;

6 (2) recommendations for revising the child care  
7 co-payment scale to assure that families receiving child  
8 care services from the Department are paying no more than  
9 they can reasonably afford;

10 (3) recommendations for revising the child care  
11 co-payment scale to provide at-risk children with complete  
12 access to Preschool for All and Head Start; and

13 (4) recommendations for changes in child care program  
14 policies that affect the affordability of child care.

15 (e) (Blank).

16 (f) The Illinois Department shall, by rule, set rates to be  
17 paid for the various types of child care. Child care may be  
18 provided through one of the following methods:

19 (1) arranging the child care through eligible  
20 providers by use of purchase of service contracts or  
21 vouchers;

22 (2) arranging with other agencies and community  
23 volunteer groups for non-reimbursed child care;

24 (3) (blank); or

25 (4) adopting such other arrangements as the Department  
26 determines appropriate.

1 (f-1) Within 30 days after June 4, 2018 (the effective date  
2 of Public Act 100-587) ~~this amendatory Act of the 100th General~~  
3 ~~Assembly~~, the Department of Human Services shall establish  
4 rates for child care providers that are no less than the rates  
5 in effect on January 1, 2018 increased by 4.26%.

6 (f-5) (Blank).

7 (g) Families eligible for assistance under this Section  
8 shall be given the following options:

9 (1) receiving a child care certificate issued by the  
10 Department or a subcontractor of the Department that may be  
11 used by the parents as payment for child care and  
12 development services only; or

13 (2) if space is available, enrolling the child with a  
14 child care provider that has a purchase of service contract  
15 with the Department or a subcontractor of the Department  
16 for the provision of child care and development services.  
17 The Department may identify particular priority  
18 populations for whom they may request special  
19 consideration by a provider with purchase of service  
20 contracts, provided that the providers shall be permitted  
21 to maintain a balance of clients in terms of household  
22 incomes and families and children with special needs, as  
23 defined by rule.

24 (Source: P.A. 100-387, eff. 8-25-17; 100-587, eff. 6-4-18;  
25 100-860, eff. 2-14-19; 100-909, eff. 10-1-18; 100-916, eff.  
26 8-17-18; revised 10-9-18.)

1           Section 99. Effective date. This Act takes effect July 1,  
2    2019.".